

## BILL HISTORY FOR ASSEMBLY BILL 1 (LRB -1159)

An Act to amend 11.25 (2) (b); to repeal and recreate 19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (a), 19.49 (5) (b), 19.53 (6), 19.535, 19.59 (1) (br), 19.59 (7) (a), 19.59 (7) (b), 19.59 (8) (c) and 19.59 (8) (cm) and (cn) of the statutes; and to affect 2001 Wisconsin Act 109, section 9115 (2y) (b) and 2001 Wisconsin Act 109, section 9415 (1zx); relating to: official action in return for providing or withholding political contributions, services, or other things of value and providing a penalty.

2003

- 01-22. A. Introduced by Representatives Gundrum, Gard, Kreuser, Kerkman, Travis, Olsen, Hebl, Loeffelholz, Cullen, Hahn, Ziegelbauer, Jensen, Friske, Ward, Stone, Plouff, Pettis, Ladwig, Gunderson, Gielow, McCormick, Suder, Townsend, Jeskewitz, Zepnick, J. Fitzgerald, Vrakas, Bies, Kestell, D. Meyer, Kaufert, Nischke, Montgomery, LeMahieu, Weber, Rhoades, Lothian, Van Akkeren, Shilling, Ott, Richards and Lassa; cosponsored by Senators Reynolds, Harsdorf, Moore, Welch, Stepp, Kedzie, Carpenter, Roessler and Panzer.
- 01-22. A. Read first time and referred to committee on Judiciary ..... 26
- 01-23. A. Executive action taken.
- 01-23. A. Report passage recommended by committee on Judiciary, Ayes 8, Noes 0 ..... 28
- 01-23. A. Referred to committee on Rules ..... 28
- 01-23. A. Placed on calendar 1-28-2003 by committee on Rules.
- 01-28. A. Read a second time ..... 33
- 01-28. A. Representatives Vruwink, Steinbrink and Black added as coauthors ..... 33
- 01-28. A. Assembly amendment 1 offered by Representatives Gundrum, Staskunas, McCormick, Albers, Kerkman, Grothman, Hebl and Cullen (LRB a0011) ..... 33
- 01-28. A. Assembly amendment 1 adopted ..... 33
- 01-28. A. Assembly amendment 2 offered by Representative Cullen (LRB a0021) ..... 33
- 01-28. A. Refused to reject Assembly amendment 2, Ayes 15, Noes 82 ..... 33
- 01-28. A. Assembly amendment 2 adopted, Ayes 90, Noes 7 ..... 33
- 01-28. A. Assembly amendment 3 offered by Representatives Black, Travis, Cullen, Pocan, Pope-Roberts, Miller and J. Lehman (LRB a0022) ..... 33
- 01-28. A. Point of order that Assembly amendment 3 not germane well taken ..... 33
- 01-28. A. Decision of the Chair appealed ..... 33
- 01-28. A. Decision of the Chair upheld, Ayes 59, Noes 38 ..... 33
- 01-28. A. Ordered to a third reading ..... 34
- 01-28. A. Rules suspended ..... 34
- 01-28. A. Read a third time and passed, Ayes 97, Noes 0 ..... 34
- 01-28. A. Ordered immediately messaged ..... 34
- 01-29. S. Received from Assembly ..... 52
- 01-29. S. Read first time and referred to committee on Education, Ethics and Elections ..... 52
- 03-26. S. Public hearing held.
- 05-14. S. Executive action taken.
- 05-20. S. Report introduction and adoption of Senate Amendment 1 recommended by committee on Education, Ethics and Elections, Ayes 5, Noes 2 (LRB a0448) ..... 185
- 05-20. S. Report concurrence as amended recommended by committee on Education, Ethics and Elections, Ayes 7, Noes 0 ..... 185
- 05-20. S. Available for scheduling.
- 05-29. S. Placed on calendar 6-3-2003 by committee on Senate Organization.
- 06-04. S. Read a second time.
- 06-04. S. Senate amendment 1 adopted.
- 06-04. S. Senate amendment 2 offered by Senator Carpenter (LRB a0584).
- 06-04. S. Point of order that Senate amendment 2 not germane well taken.
- 06-04. S. Ordered to a third reading.

06-04. S.	Rules suspended.	
06-04. S.	Read a third time and concurred in as amended.	
06-04. S.	Senator Hansen added as a cosponsor.	
06-04. S.	Senator Darling added as a cosponsor.	
06-04. S.	Ordered immediately messaged.	
06-04. A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted) .....	238
06-04. A.	Senate amendment 1 concurred in .....	238
06-04. A.	Action ordered immediately messaged .....	238

**2003**  
**ENROLLED BILL**

03en AB-1

**ADOPTED DOCUMENTS:**

☒ Orig    ☐ Engr    ☐ SubAmdt

03 1159, 2

Amendments to above (if none, write "NONE"): AA1, AA2, SA1

Corrections - show date (if none, write "NONE"): None

Topic Official action on return for providing  
political contributions

6/05/03  
Date

[Signature]  
Enrolling Drafter

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## 2003 ASSEMBLY BILL 1

January 22, 2003 – Introduced by Representatives GUNDRUM, GARD, KREUSER, KERKMAN, TRAVIS, OLSEN, HEBL, LOEFFELHOLZ, CULLEN, HAHN, ZIEGELBAUER, JENSEN, FRISKE, WARD, STONE, PLOUFF, PETTIS, LADWIG, GUNDERSON, GIELOW, MCCORMICK, SUDER, TOWNSEND, JESKEWITZ, ZEPNICK, J. FITZGERALD, VRAKAS, BIES, KESTELL, D. MEYER, KAUFERT, NISCHKE, MONTGOMERY, LEMAHIEU, WEBER, RHOADES, LOTHIAN, VAN AKKEREN, SHILLING, OTT, RICHARDS and LASSA, cosponsored by Senators REYNOLDS, HARS DORF, MOORE, WELCH, STEPP, KEDZIE, CARPENTER, ROESSLER and PANZER. Referred to Committee on Judiciary.

1     **AN ACT** *to amend* 11.25 (2) (b); *to repeal and recreate* 19.42 (3m), (4g) and (4r),  
2           19.45 (13), 19.49 (1m), 19.49 (5) (a), 19.49 (5) (b), 19.53 (6), 19.535, 19.59 (1) (br),  
3           19.59 (7) (a), 19.59 (7) (b), 19.59 (8) (c) and 19.59 (8) (cm) and (cn) of the statutes;  
4           and *to affect* 2001 Wisconsin Act 109, section 9115 (2y) (b) and 2001 Wisconsin  
5           Act 109, section 9415 (1zx); **relating to:** official action in return for providing  
6           or withholding political contributions, services, or other things of value and  
7           providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

2001 Wisconsin Act 109 made various changes to campaign finance, ethics, lobbying regulation, income tax, public broadcasting, and cable television laws. Most changes made by Act 109 take effect on July 1, 2003. Most of these changes were made nonseverable so that if a court found that any of the provisions were unconstitutional, all of the provisions would then be invalid. On December 11, 2002, in *Wisconsin Realtors Association et al. v. Ponto et al.*, Case No. 02-C-424-C, the U.S. District Court for the Western District of Wisconsin found that one provision of Act 109 is unconstitutional. While this decision is subject to appeal, it apparently precludes enforcement and administration of all affected Act 109 changes as of December 11, 2002. The Act 109 changes, however, currently remain in the statutes.

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This bill reenacts changes made by Act 109 to the ethics laws, effective on the day the bill becomes law. In the description which follows, “current law” means the law in effect before July 1, 2003.

Currently, no person may offer or give to a state public official, including a member of the legislature, directly or indirectly, and no state public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the state public official’s vote, official actions, or judgment, or could reasonably be considered a reward for any official action or inaction on the part of the state public official.

This bill provides, in addition, that no state or local public official holding an elective office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of or upon condition that any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under the campaign finance law, or any person making a mass communication that contains a reference to a clearly identified state or local public official or a candidate for state or local public office.

Violators are subject to a forfeiture (civil penalty) of not more than \$5,000 for each violation, and are also subject to a forfeiture in an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained, or if no political contribution, service, or other thing of value was obtained, an amount equal to the maximum contribution that an individual is permitted to make to a candidate for the office sought or held by the official, whichever amount is greater. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment in the county jail for not more than one year or both.

The bill also provides that, if the Ethics Board refuses or otherwise fails to authorize an investigation or a district attorney fails to initiate a prosecution with respect to any violation of the prohibition created by the bill within 30 days after receiving a verified complaint alleging such a violation, the person making the complaint may bring a lawsuit to recover a forfeiture on behalf of the state. If the person making the complaint prevails, the bill provides that the court may require the defendant to pay the complainant’s attorney fees and costs, but any forfeiture recovered must be paid to the state. If the court finds that a lawsuit was frivolous, the court must award fees and costs to the defendant. The bill provides that no complaint alleging a violation of the prohibition contained in the bill may be filed during the period beginning 120 days before a general or spring election or the date that a special election is ordered and ending on the date of that election against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 11.25 (2) (b) of the statutes is amended to read:

2           11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions  
3 and make disbursements from a campaign depository account for the purpose of  
4 making expenditures in connection with a campaign for national office; for payment  
5 of civil penalties incurred by the registrant under this chapter but not under any  
6 other chapter; or for payment of the expenses of nonpartisan campaigns to increase  
7 voter registration or participation. Notwithstanding par. (a), a personal campaign  
8 committee or support committee may accept contributions and make disbursements  
9 from a campaign depository account for payment of inaugural expenses of an  
10 individual who is elected to state or local office. If such expenses are paid from  
11 contributions made to the campaign depository account, they are reportable under  
12 s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s.  
13 11.06 (1). If contributions from the campaign depository account are used for such  
14 expenses, they are subject to s. 11.26.

✓ SA 103  
SA 116  
15           **SECTION 2.** 19.42 (3m), (4g) and (4r) of the statutes, as created by 2001  
16 Wisconsin Act 109, are repealed and recreated to read:

17           19.42 (3m) "Candidate," except as otherwise provided, has the meaning given  
18 in s. 11.01 (1).

19           (4g) "Clearly identified," when used in reference to a communication  
20 containing a reference to a person, means one of the following:

21           (a) The person's name appears.

✓ 3-18 SA 1 ✓

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## SECTION 2

1 (b) A photograph or drawing of the person appears.

2 (c) The identity of the person is apparent by unambiguous reference.

3 (4r) "Communication" means a message transmitted by means of a printed  
4 advertisement, billboard, handbill, sample ballot, radio or television advertisement,  
5 telephone call, or any medium that may be utilized for the purpose of disseminating  
6 or broadcasting a message, but not including a poll conducted solely for the purpose  
7 of identifying or collecting data concerning the attitudes or preferences of electors.

8 SECTION 3. 19.45 (13) of the statutes, as created by 2001 Wisconsin Act 109 is  
9 repealed and recreated to read:

10 19.45 (13) No state public official holding an elective office may, directly or by  
11 means of an agent, give, or offer or promise to give, or withhold, or offer or promise  
12 to withhold, his or her vote or influence, or promise to take or refrain from taking  
13 official action with respect to any proposed or pending matter in consideration of, or  
14 upon condition that, any other person make or refrain from making a political  
15 contribution, or provide or refrain from providing any service or other thing of value,  
16 to or for the benefit of a candidate, a political party, any other person who is subject  
17 to a registration requirement under s. 11.05, or any person making a communication  
18 that contains a reference to a clearly identified state public official holding an  
19 elective office or to a candidate for state public office.

20 SECTION 4. 19.49 (1m) of the statutes, as created by 2001 Wisconsin Act 109,  
21 is repealed and recreated to read:

22 19.49 (1m) No complaint alleging a violation of s. 19.45 (13) may be filed during  
23 the period beginning 120 days before a general or spring election, or during the  
24 period commencing on the date of the order of a special election under s. 8.50, and

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1 ending on the date of that election, against a candidate who files a declaration of  
2 candidacy to have his or her name appear on the ballot at that election.

3 **SECTION 5.** 19.49 (5) (a) of the statutes, as affected by 2001 Wisconsin Act 109,  
4 is repealed and recreated to read:

5 19.49 (5) (a) Except as provided in par. (b), no action may be taken on any  
6 complaint that is filed later than 3 years after a violation of this subchapter or subch.  
7 III of ch. 13 is alleged to have occurred.

8 **SECTION 6.** 19.49 (5) (b) of the statutes, as created by 2001 Wisconsin Act 109,  
9 is repealed and recreated to read:

10 19.49 (5) (b) The period of limitation under par. (a) is tolled for a complaint  
11 alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such  
12 a complaint may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

13 **SECTION 7.** 19.53 (6) of the statutes, as affected by 2001 Wisconsin Act 109, is  
14 repealed and recreated to read:

15 19.53 (6) An order requiring the accused to forfeit not more than \$500 for each  
16 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of  
17 any other provision of this subchapter, or not more than the applicable amount  
18 specified in s. 13.69 for each violation of subch. III of ch. 13. If the board determines  
19 that the accused has realized economic gain as a result of the violation, the board  
20 may, in addition, order the accused to forfeit the amount gained as a result of the  
21 violation. In addition, if the board determines that a state public official has violated  
22 s. 19.45 (13), the board may order the official to forfeit an amount equal to the amount  
23 or value of any political contribution, service, or other thing of value that was  
24 wrongfully obtained. If the board determines that a state public official has violated  
25 s. 19.45 (13) and no political contribution, service or other thing of value was



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## SECTION 7

6-8 (AA1) ✓  
1 obtained, the board may order the official to forfeit an amount equal to the maximum  
2 contribution authorized under s. 11.26 (1) for the office held or sought by the official,  
3 whichever amount is greater. The attorney general, when so requested by the board,  
4 shall institute proceedings to recover any forfeiture incurred under this section or s.  
5 19.545 which is not paid by the person against whom it is assessed.

6 SECTION 8. 19.535 of the statutes, as created by 2001 Wisconsin Act 109, is  
7 repealed and recreated to read:

8 **19.535 Direct enforcement.** If the board refuses or otherwise fails to  
9 authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13)  
10 within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13),  
11 the person making the complaint may bring an action to recover the forfeiture under  
12 s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such  
13 actions, the court may award actual and necessary costs of prosecution, including  
14 reasonable attorney fees, to the relator if he or she prevails, but any forfeiture  
15 recovered shall be paid to the state. If the court finds in any such action that the  
16 cause of action was frivolous as provided in s. 814.025, the court shall award costs  
17 and fees to the defendant under that section. ✓ AA1

18 SECTION 9. 19.59 (1) (br) of the statutes, as affected by 2001 Wisconsin Act 109,  
19 is repealed and recreated to read:

20 19.59 (1) (br) No local public official holding an elective office may, directly or  
21 by means of an agent, give, or offer or promise to give, or withhold, or offer or promise  
22 to withhold, his or her vote or influence, or promise to take or refrain from taking  
23 official action with respect to any proposed or pending matter in consideration of, or  
24 upon condition that, any other person make or refrain from making a political  
25 contribution, or provide or refrain from providing any service or other thing of value,  
6-17 (AA2) ✓ 6-20 (SAL) ✓

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SAH 4

1 to or for the benefit of a candidate, a political party, any other person who is subject  
2 to a registration requirement under s. 11.05, or any person making a communication  
3 that contains a reference to a clearly identified local public official holding an elective  
4 office or to a candidate for local public office.

5 **SECTION 10.** 19.59 (7) (a) of the statutes, as affected by 2001 Wisconsin Act 109,  
6 is repealed and recreated to read:

7 19.59 (7) (a) Any person who violates sub. (1) may be required to forfeit not  
8 more than \$1,000 for each violation, and, if the court determines that the accused has  
9 violated sub. (1) (br), the court may, in addition, order the accused to forfeit an  
10 amount equal to the amount or value of any political contribution, service, or other  
11 thing of value that was wrongfully obtained.

12 **SECTION 11.** 19.59 (7) (b) of the statutes, as created by 2001 Wisconsin Act 109,  
13 is repealed and recreated to read:

14 19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not  
15 more than \$1,000 for each violation, and, if the court determines that a local public  
16 official has violated sub. (1) (br) and no political contribution, service or other thing  
17 of value was obtained, the court may, in addition, order the accused to forfeit an  
18 amount equal to the maximum contribution authorized under s. 11.26 (1) for the  
19 office held or sought by the official, whichever amount is greater.

20 **SECTION 12.** 19.59 (8) (c) of the statutes, as affected by 2001 Wisconsin Act 109,  
21 is repealed and recreated to read:

22 19.59 (8) (c) If the district attorney fails to commence an action to enforce sub.  
23 (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the  
24 district attorney refuses to commence such an action, the person making the

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SECTION 12

1 complaint may petition the attorney general to act upon the complaint. The attorney  
2 general may then bring an action under par. (a) or (b), or both.

3 **SECTION 13.** 19.59 (8) (cm) and (cn) of the statutes, as created by 2001  
4 Wisconsin Act 109, are repealed and recreated to read:

5 19.59 (8) (cm) No complaint alleging a violation of sub. (1) (br) may be filed  
6 during the period beginning 120 days before a general or spring election, or during  
7 the period commencing on the date of the order of a special election under s. 8.50, and  
8 ending on the date of that election, against a candidate who files a declaration of  
9 candidacy to have his or her name appear on the ballot at that election.

10 (cn) If the district attorney refuses or otherwise fails to commence an action to  
11 enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a  
12 violation of sub. (1) (br), the person making the complaint may bring an action to  
13 recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf,  
14 of the state. In such actions, the court may award actual and necessary costs of  
15 prosecution, including reasonable attorney fees, to the relator if he or she prevails,  
16 but any forfeiture recovered shall be paid to the state. If the court finds in any such  
17 action that the cause of action was frivolous as provided in s. 814.025, the court shall  
18 award costs and fees to the defendant under that section.

19 **SECTION 14.** 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:

20 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section  
21 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections  
22 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the  
23 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,  
24 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),  
25 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and

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71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), ~~19.53 (6), 19.59 (8) (e)~~, 20.510 (1) (q), 25.42, 71.08 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), ~~19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59~~

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## SECTION 14

1     ~~(8) (cm) and (cn),~~ 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04  
2     (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244  
3     (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment  
4     of those provisions by this act is void.

5           **SECTION 15.** 2001 Wisconsin Act 109, section 9415 (1zx) is amended to read:

6           [2001 Wisconsin Act 109] Section 9415 (1zx) CAMPAIGN FINANCE AND RELATED  
7     CHANGES. The repeal of sections 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50  
8     (10) of the statutes, the renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50  
9     (1) (a) 1. of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05  
10    (2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), and 11.50  
11    (9), ~~19.49 (5), and 19.59 (7)~~ of the statutes, the amendment of sections 5.02 (13), 5.05  
12    (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05  
13    (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e),  
14    11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b),  
15    11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5),  
16    11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a)  
17    and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12),  
18    11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26  
19    (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9)  
20    (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1)  
21    (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8)  
22    (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50  
23    (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m),  
24    11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), ~~19.53 (6), 19.59 (8) (e),~~ 20.510  
25    (1) (q), and 25.42 of the statutes, the repeal and recreation of sections 11.05 (9) (title)

**ASSEMBLY BILL 1**

1 and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m), 11.01  
2 (12w), (13) and (14), 11.01 (16) (a) 3., 11.01 (17g) and (17r), 11.05 (1) (b), 11.05 (2) (b),  
3 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm),  
4 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8)  
5 (am), 11.21 (17), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as)  
6 and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9)  
7 (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9),  
8 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm),  
9 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14),  
10 11.60 (3r), ~~19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59~~  
11 ~~(1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn),~~ and 806.04 (11m) of the statutes and  
12 SECTIONS 9115 (2v) and (2w) and 9315 (2v) and (2w) of this act take effect on July 1,  
13 2003.

14 (END)

**ASSEMBLY AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 1**

January 28, 2003 – Offered by Representatives GUNDRUM, STASKUNAS, MCCORMICK,  
ALBERS, KERKMAN, GROTHMAN, HEBL and CULLEN.

At the locations indicated, amend the bill as follows:

✓ **1.** Page 6, line 8: delete lines 8 to 17 and substitute:

“**19.535 Enforcement.** If the board receives a verified complaint alleging a violation of s. 19.45 (13), the board shall, within 30 days after receipt of the complaint, either authorize an investigation of the allegations contained in the complaint under s. 19.49 (3) or dismiss the complaint. If the board dismisses the complaint, with or without investigation, the board shall promptly notify the complainant in writing. Upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general, the district attorney for the county where a violation is alleged to occur or the district attorney for a county that is adjacent to that county. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.”

ccc  
b  
6-8 car

1 SECTION 8m. 19.579 of the statutes is created to read:

2 19.579 Civil penalty. Any person who violates s. 19.45 (13) may be required  
3 to forfeit not more than \$5,000.

4 2. Page 8, line 10: delete lines 10 to 18 and substitute:

5 "(cn) If the district attorney for the county in which a violation of sub. (1) (br)  
6 is alleged to occur receives a verified complaint alleging a violation of sub. (1) (br),  
7 the district attorney shall, within 30 days after receipt of the complaint, either  
8 commence an investigation of the allegations contained in the complaint or dismiss  
9 the complaint. If the district attorney dismisses the complaint, with or without  
10 investigation, the district attorney shall notify the complainant in writing. Upon  
11 receiving notification of the dismissal, the complainant may then file the complaint  
12 with the attorney general or the district attorney for a county that is adjacent to the  
13 county in which the violation is alleged to occur. The attorney general or district  
14 attorney may then investigate the allegations contained in the complaint and  
15 commence a prosecution.

16 (END)



**ASSEMBLY AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 1**

January 28, 2003 - Offered by Representative CULLEN.

1 At the locations indicated, amend the bill as follows:

2 **I.** Page 6, line 17: after that line insert:

3 **SECTION 8e.** 19.58 (1) of the statutes is renumbered 19.58 (1) (a) and amended  
4 to read:

5 19.58 (1) (a) Any person who intentionally violates any provision of this  
6 subchapter except s. 19.45 (13) or 19.59 (1) (br), or a code of ethics adopted or  
7 established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100 nor more  
8 than \$5,000 or imprisoned not more than one year in the county jail or both.

9 **SECTION 8m.** 19.58 (1) (b) of the statutes is created to read:

10 19.58 (1) (b) Any person who intentionally violates s. 19.45 (13) or 19.59 (1) (br)  
11 is guilty of a Class I felony.

12 **SECTION 8s.** 19.58 (2) of the statutes is amended to read:



6-17 conf

1           19.58 (2) The ~~penalty~~ penalties under sub. (1) ~~does~~ do not limit the power of  
2 either house of the legislature to discipline its own members or to impeach a public  
3 official, or limit the power of a department to discipline its state public officials or  
4 employees".

5

(END)

**SENATE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 1**

May 20, 2003 – Offered by COMMITTEE ON EDUCATION, ETHICS AND ELECTIONS.

1 At the locations indicated, amend the bill as follows:

2 ✓1. Page 3, line 15: delete “, (4g) and (4r)”.

3 ✓2. Page 3, line 16: delete “are” and substitute “is”.

4 ✓3. Page 3, line 18: after that line insert:

5 ✓SECTION 2e. 19.42 (3s) of the statutes is created to read:

X3 6-18  
7 19.42 (3s) “Candidate for local public office” means any individual who files  
8 nomination papers and a declaration of candidacy under s. 8.21 or who is nominated  
9 at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election  
10 as a local public official or any individual who is nominated for the purpose of  
11 appearing on the ballot for election as a local public official through the write-in  
12 process or by appointment to fill a vacancy in nomination and who files a declaration  
of candidacy under s. 8.21.

3-18 cont

1 SECTION 2m. 19.42 (4g) and (4r) of the statutes, as created by 2001 Wisconsin  
2 Act 109, are repealed and recreated to read:

3 19.42".

4 ✓ 4. Page 4, line 7: after that line insert:

5 "SECTION 2s. 19.42 (11m) of the statutes is created to read:

6 X 6-7 19.42 (11m) "Political party" means a political organization under whose name  
7 individuals who seek elective public office appear on the ballot at any election or any  
8 national, state, or local unit or affiliate of that organization."

9 ✓ 5. Page 4, line 10: delete "holding an elective" and substitute "or candidate for  
10 state public". 4-10 4

11 ✓ 6. Page 4, line 16: delete "other".

12 ✓ 7. Page 6, line 20: delete "holding an elective" and substitute "or candidate for  
13 6-20 local public".

14 ✓ 8. Page 7, line 1: delete "other".

15 (END)